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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,245	01/16/2004	Bram Vanderjeugt	KOB	5326

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James C. Wray
Suite 300
1493 Chain Bridge Road
McLean, VA 22101

EXAMINER

MUROMOTO JR, ROBERT H

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,245	Applicant(s) VANDERJEUGT, BRAM	
	Examiner Robert H. Muromoto, Jr.	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14 is/are rejected.
- 7) ☒ Claim(s) 5-13 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The abstract of the disclosure is objected to because the recitation, "On the one hand, this invention relates to..." is redundant and not proper language for US patent abstract practice; the language is too similar to the claim language, and the abstract recites the purported merits of the invention. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 14-18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or rewrite the claim(s) in independent form.

Claim 14 recites a method in the preamble but states dependence to an apparatus. This type of claim is incorrectly written as a dependent claim and for the purpose of examination is treated as de-facto independent claims. In this action claim 14 is treated as an independent claim and claims 15-18 as dependent claims to the method of claim 14.

Claims 14-18 are also objected to because of the following informalities: they are method claims but they are recited in passive voice, leading to some ambiguity to the precise scope of the claims. For increased clarity the examiner suggests amendments

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to the claims to positively recite the method steps of the instant invention. For example, claim 14 recites, "...wherein the harness cords are divided into different groups, which are pulled through in respective small apertured boards." This citation is somewhat hard to understand and would be much clearer if rewritten as - - dividing harness cords into different groups; and pulling said groups through respective small partial apertured boards. - - This just an example of the use of active voice, the applicants can choose their own particulars for the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hacker US patent 5,375,628.

Hacker discloses, " An adjustable harness guide for the Jacquard machine of a seam-weaving machine in which the harness cords are drawn back by tension springs which are secured in a grille. The harness cords are guided through a harness board and the weaving shed is located between the grille and the harness board. The grille and the harness board are adjustable in their angle position relative to the course of the harness cords. The grille and the harness board are connected by a rod linkage system so that they move synchronously. The grille

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and the harness board are each formed of two halves connected to each other by a hinge with the axis of the hinge running parallel to the warp threads of the seam-weaving shed (abstract)."

The two halves correspond the "at least two separate detachable small partial apertured boards."

The adjustment system 15, the grille 7, the rod linkage system 21 and the mechanisms connecting these items with the harness boards 8 correspond to the recited "receiving grid".

With respect the method in claim 14, the "dividing" step is inherent to the method that must be used to pull the harness cords through the apertures of the harness boards 8 described in Hacker.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hacker.

Although Hacker discloses the limitations of the claims listed above, Hacker does not specifically recite a synthetic material for the boards nor that they be produced using an injection molding process.

With respect to the use of a synthetic material, the use of plastic (synthetic material) a replacement to metal parts is a widely known and practiced technique, because plastics are known to be lighter, have the ability to be formed into a wider variety of shapes, and the equipment to manufacture plastics costs much less than those such as heavy stamping equipment required to make metal parts. These qualities have attracted automaker's interests since the 1960's (paragraph 1, Appeal of Plastics, cited on PTO-892).

Therefore it would have been obvious to one of ordinary skill in the art to use a synthetic material such as plastic to replace metal parts to take advantage of the inherent material properties listed above and the economic advantage stated above.

Claim 4 recites that the apertured board is produced by an injection molding process, this is a product-by-process limitation.

The MPEP states, "the lack of physical description in a product-by-process claim makes determination of the patentability of the claim more difficult, since in spite of the fact that the claim may recite only process limitations, it is the patentability of the product claimed and not of the recited process steps which must be established. We are therefore of the opinion that when the prior art discloses a product which reasonably appears to be either identical with or only slightly different than a product claimed in a product-by-process claim, a rejection based alternatively on either section 102 or section 103 of the statute is eminently fair and acceptable. As a practical matter, the Patent Office is not equipped to manufacture products by the myriad of processes

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put before it and then obtain prior art products and make physical comparisons therewith." In re Brown, 459 F.2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

Once the examiner provides a rationale tending to show that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. In re Marosi, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983).

All the structural limitations of the claims have been disclosed or taught above. Therefore the applicant must show an unobvious difference between the claimed product and the prior art.

Additionally, injection molding is widely known and practiced as one of "the prime processes for the production of plastics articles because it is a fast process for producing large numbers of products from high precision engineering components to disposable consumer goods (Injection Molding, cited in PTO-892)."

Therefore it would have been obvious to one of ordinary skill in the art to use an injection molding process to manufacture the apertured boards of Hacker to take advantage of the well known results of the injection molding process as stated above.

Allowable Subject Matter

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Claims 5-13, and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-13 would be allowable because they recite specific, non-obvious limitations with respect to the specific connective elements and the specific make-up of these elements as well as the specific limitations of the openings of the apertured boards.

Claims 15-18 would be allowable because they recite specific, non-obvious steps in the building up of a harness device using specific board motions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Muromoto, Jr. whose telephone number is 571-272-4991. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bobby Muromoto
Patent examiner
April 26, 2006

A handwritten signature in black ink, appearing to be 'B. Muromoto', is written over a horizontal line.